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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,060	03/29/2001	John Zimmerman	US010076	5337

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,060

Applicant(s)

ZIMMERMAN, JOHN

Examiner

Jamieson W. Fish

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on March 29, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on March 29, 2001 and January 21, 2003 have been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Schlack et al. (US 2002/0129368).
4. Regarding claim 1, Schlack teaches a television program profile interface having a multiplicity of axes (See Fig. 17 and Fig. 33 and Paragraphs 177 and 230 Fig. 33 show a Graphical User Interface for a television program profile. Fig. 17 is an example of a graph contained in the interface), comprising: television viewer profile represented by weighted viewer preferences that proportionately change with respect to at least one of a multiplicity of axes (Each genre is a weighted viewer preference that changes proportional with respect to vertical axis).
5. Regarding claim 2, Schlack teaches wherein one of said axes comprises time (See Fig. 17 and Paragraph 177).

6. Regarding claim 3, Schlack teaches wherein said weighted viewer preferences represented by bar graphs (See Fig. 17 and Paragraph 177).

7. Regarding claim 4, Schlack teaches wherein said weighted viewer preferences are represented by bar graphs (See Fig. 17 and Paragraph 177).

8. Regarding claim 5, Schlack teaches wherein said weighted viewer preferences are viewer modifiable (See Paragraph 177 weighted viewer preferences change with respect to viewing time which is viewer modifiable).

9. Regarding claim 6, Schlack further teaches means for viewer interaction (See Fig. 33 and Paragraph 230 means for viewer interaction is inherent to a graphical user interface).

10. Regarding claim 7, Schlack teaches an interactive, television program profile interface (See Fig. 17 and Fig. 33 and Paragraphs 177 and 230 Fig. 33 show a Graphical User Interface for a television program profile. Fig. 17 is an example of a graph contained in the interface. Viewer interaction is inherent to a graphical user interface) comprising; television viewer profile represented by weighted viewer preferences in graphical form including a plurality of bar graphs (See Fig 33. and Paragraph 230), said bar graphs being viewer changeable (See Paragraph 177 weighted viewer preferences change with respect to viewing time which is viewer modifiable).

11. Regarding claim 8, Schlack teaches the interactive, television program profile interface further comprising a multiplicity of axes (See Fig. 17 and Paragraph 177. As shown there are a multiplicity of vertical and horizontal axes.).

12. Regarding claim **9**, Schlack teaches wherein one of said axes comprises time (See Fig. 17 and Paragraph 177).

13. Regarding claim **10**, Schlack teaches wherein said weighted viewer preferences are proportionately changeable with respect to said time axis (See Fig. 17 and Paragraph 177 Length of a bar changes with respect to the amount of time a category is viewed).

14. Regarding claim **11**, Schlack teaches a method of using a television viewer profile interface, comprising the steps of: providing a television viewer profile that changes with time (See Fig. 17 and Fig. 33 and Paragraphs 177 and 230 Fig. 33 show a Graphical User Interface for a television program profile. Fig. 17 is an example of a graph contained in the interface. Length of a bar changes with the amount of time a category is viewed); and modifying said television viewer profile by traversing a time axis (See Fig. 29 and Paragraphs 206 and 207 profile is modified as windows traverse time axis).

15. Regarding claim **12**, Schlack teaches a method of using a television viewer profile interface, comprising the steps providing a television viewer profile that changes with time (See Fig. 17 and Fig. 33 and Paragraphs 177 and 230 Fig. 33 show a Graphical User Interface for a television program profile. Fig. 17 is an example of a graph contained in the interface. Length of a bar changes with the amount of time a category is viewed); and modifying said television viewer profile by viewer interaction (See Paragraph 177 weighted viewer preferences change with respect to viewing time which is viewer modifiable by viewer interaction).

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16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmitt (US 5,983,220) teaches a graphical user interface with weighted bars that change with proportion to a multiplicity of axes (See Fig. 18).


***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 703-305-0884. The examiner can normally be reached on 8-5.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 12/12/2004

  
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